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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**CHECKR, INC.'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE A
RESPONSE TO PLAINTIFFS' JULY 14,
2024 LETTER**

This Document Relates to:

ALL ACTIONS

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Civil Local Rule 7-11, nonparty Checkr, Inc. ("Checkr"), in an abundance of caution, hereby respectfully moves this Court for leave to file a response to Plaintiffs' June 14, 2024 letter to the Court regarding Plaintiffs' subpoena to Checkr. *See* Dkt. 633. Checkr makes this motion on the grounds that Plaintiffs' letter to the Court makes various representations about Plaintiffs' subpoena to Checkr and the related communications with Checkr's counsel that warrant a brief response from Checkr.

This is the type of submission that, in the law and motion context (*e.g.*, surreplies), courts routinely deem appropriate.

Given how Plaintiffs' sweeping subpoena demands massive amounts of documents from Checkr, including ESI, it is fair and reasonable for Checkr to seek to submit a brief response. On the other hand, granting Checkr's motion will not prejudice Plaintiffs.

Accordingly, Checkr respectfully requests that the Court grant Checkr leave to file the attached proposed further letter to the Court, attached hereto as Exhibit A.¹

Dated: June 18, 2024

LITTLER MENDELSON, P.C.

/s/ Rod M. Fliegel
Rod M. Fliegel

Attorneys for Nonparty
Checkr, Inc.

4890-1252-9353.1 / 091435-1534

¹ For avoidance of doubt, nothing stated herein is intended to imply that Checkr is assuming any burden the law imposes on Plaintiffs. By rule, Checkr has a right to stand on its objections, and Checkr has elected to exercise that right. Fed. R. Civ. P. 45(d)(2)(B); *Ex. Dev. Can. v. E.S.E. Elec.*, No. 17-mc-80003, 2017 WL 2500906, at *2 (N.D. Cal. June 9, 2017).